

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed October 5, 2004.

Claims 1-26 were pending. Claims 1-5, 9-21, 25 and 26 were rejected. Objection was raised to claims 6-8 and 22-24.

Applicant expresses appreciation to the Examiner for the indication of allowable subject matter in claims 6-8 and 22-24, should the claims be rewritten to include each independent claim and any intervening claims. Claims 1 and 18 have been amended to place them into condition for allowance. Specifically, claim 1 has been amended to incorporate the allowable subject matter of claim 6. Claims 7 and 8 have been amended to indicate dependency from amended claim 1. Claim 18 has been amended to incorporate the allowable subject matter of claim 22. Claims 23 and 24 have been amended to indicate dependency from amended claim 18. Claims 6 and 22 have been canceled.

New independent claims 27 and 31 have been added and correspond to the subject matter of original claim 4 (added to the subject matter of original claim 1), and original claim 19 (added to the subject matter of original claim 18), respectively. New dependent claims 28-30 and 32-34 have been added and depend from new independent claims 27 and 31, respectively.

New claims 27 and 31 include the limitation of "reinforcing structure associated with the lower support gasket to increase a load-bearing capacity of the lower support gasket," and are thus commensurate in scope to original claims 4 and 19. The reinforcing structure is illustrated at 50 in FIG. 5C, and in the example shown specifically at 51 includes a pair of tubular steel inserts (discussed in lines 7-15 on page 15 of the specification). As discussed, this reinforcing

structure increases the load-bearing capacity of the lower support gasket while not interfering with the concrete pouring process.

In the Office Action it was asserted that Pedersen discloses “reinforcing structure of the support [that is] the material itself within the support gasket.” Applicant respectfully submits that the Pedersen device does not disclose “reinforcing structure” associated with the “pallets” 19 of Pedersen. In fact, the Office Action does not provide any indication of what the alleged reinforcing structure associated with the pallets may be, other than “the material itself within the support gasket.” If the limitation in claims 27 and 31 of “reinforcing structure” associated with the lower support gasket was nothing more than the material of the lower support gasket within the lower support gasket, the “reinforcing structure” limitation would be meaningless; as the claims already contain the limitation of a lower support gasket. Thus, Applicant respectfully submits that Pedersen does not teach or suggest reinforcing structure associated with a lower support gasket, as is claimed in claims 27 and 31.

In addition, claims 28 and 32 include the additional limitation of the “reinforcing structure [being] disposed within the lower support gasket.” Claims 29 and 33 add the limitation of “the reinforcing structure [being] formed of a different material than the lower support gasket.” Claims 30 and 34 add the further limitation of “the lower support gasket [being] formed of a substantially compliant polymer and . . . the reinforcing structure [being] formed of a metallic material.” Neither the Pedersen reference, nor any of the other references made of record, teach or suggest any of these limitations.

Accordingly, Applicant respectfully submits that independent claims 28 and 32, and the claims depending therefrom, are allowable over the references of record for at least the reasons cited above.

Conclusion

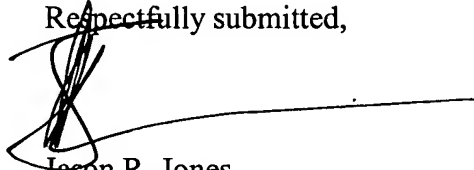
In light of the above, Applicant respectfully submits that pending claims 1-5, 7-21 and 23-34 are in condition for allowance and requests that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Response, the Examiner is strongly encouraged to call Jason R. Jones at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Two independent claims, claims 27 and 31, have been added, bringing the total number of independent claims pending to one greater than three. Dependent claims 28-30 and 32-34 have been added, dependent claims 6 and 22, have been canceled: resulting in the net addition of six claims in excess of twenty. A three-month extension of time is required in which to timely file this response. Accordingly, a check in the amount of \$760 is enclosed herewith for a three-month extension of time and for the addition of one independent claim and four dependent claims.

The Commissioner is hereby authorized to charge any additional fee, or to credit any overpayment, in connection with this Response to Deposit Account No. 20-0100.

DATED this 5th day of April, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Jason R. Jones", written over a horizontal line.

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